



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

Aseem Nigam
Director

CLASS 3 ACCESSORY DWELLING UNIT

Owners of Single-Family detached homes in Montgomery County may be permitted to create and use or rent a Class 3 Accessory Dwelling Unit (ADU) in their primary residence. An ADU is a second dwelling that is part of an existing single-family detached home and is used as a complete, independent living facility with its own provisions for cooking, eating, sanitation and sleeping. ADUs must comply with requirements of Montgomery County Code: Chapter 26-Housing Standards, Chapter 29-Landlord/Tenant Relations, Chapter 59-Zoning Ordinance and all applicable laws.

CLASS 3 ACCESSORY DWELLING UNIT APPLICATION PROCESS

To obtain a Class 3 ADU license, follow these steps:

1. Visit our website at www.montgomerycountymd.gov/dhcalicensing. Under the Accessory Dwelling Unit tab click on the 'More Information' tab. There you will find useful information including a link to apply online and a link to a PDF if you wish to submit a paper copy.
2. Complete the Class 3 Accessory Dwelling application.
3. Submit the application with the documentation and fees listed below:
 - Proof of Residency for all owners.
 - Two detailed drawings, each on an 8 1/2" x 11" sheet of paper. Drawing #1 is the proposed ADU - show all doors, windows, rooms (label), bathroom fixtures, kitchen appliances, stairs, entrance to main house (if applicable) and location of main entrance. Drawing #2 must show the driveway or off-street parking area with dimensions.
 - Signed copy of the affidavit of attestation by all owners.
 - Application Fee of \$581 (\$250 filing fee, \$220 public notice sign fee, \$111 Accessory Dwelling Unit annual license fee). Properties located within the incorporated City of Takoma Park are only required to submit \$470 (County license fee exempt, must maintain a rental license through the City of Takoma Park)
 - Photocopy of the receipt showing the property is registered with the Maryland Department of Environment (MDE) if property was built before January 1, 1978 and photocopy of the Lead Paint inspection certificate.
 - If you have a homeowner's association or community association, contact them to see if an ADU is allowed under its covenants or regulations. You must sign the affidavit attesting that an ADU is not prohibited by any of its governing documents and that you are not more than 30 days past due on any association or community fees.

- If operating on a well or septic system, contact the Department of Permitting Services (DPS) Well & Septic for a letter showing how many bedrooms are allowed on the property. A letter from DPS Well & Septic must be submitted with the application.
4. Once the Licensing and Registration Section has received your application, we will review for completeness within 5 business days of receipt.
 5. The Department will send written notification of the application acceptance or will return the application and all fees with a written explanation regarding missing documents.
 6. If the Director finds that an application applying for an ADU does not meet the standards within 59.3.3.3 a referral to the Office of Zoning and Administrative Hearings will be given to the applicant so that a waiver can be applied for.
 - No on-site parking exists or does not meet the required 320 square feet and is not within 1 mile of any Metrorail, Purple Line, or MARC Rail Station.
 7. Housing Code Enforcement & OZAH Hearing Examiner will receive a copy of the application with documents of acceptance of the application.
 8. Owner must post the public notice sign on yard within 5 days of acceptance of the application by the Department and remain posted for 30 days. The sign must be returned within 15 days after the end of the posting period.
 9. Licensing will review the application for compliance with zoning ordinances and Housing Code Enforcement will inspect for compliance with housing code and zoning standards.
 10. The Director will issue a preliminary and final report on the findings of the Licensing review and Housing Code inspection.
 11. An ADU license will be issued or denied 30 days after the issuance of the Directors report, unless there are necessary improvements/changes need before the application can be approved.
 12. Changes in information provided on the original ADU application must be reported to the Department of Housing and Community Affairs, Licensing/Registration Section immediately.
 13. If your ADU application is denied after our inspection for a Class 3 Accessory Dwelling Unit, you can object with The Office of Zoning and Administrative Hearings (OZAH) by calling 240-777-6660 or 100 Maryland Avenue, Room 200, Rockville, MD 20850.



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ACCESSORY DWELLING UNIT REQUIREMENTS

- Single-family dwelling; must be a Single-Family Detached Home – Not permitted in townhouses, condominiums, duplexes or mobile homes.
- The principal dwelling on the lot or parcel required for the proposed Accessory Dwelling Unit is the owner's primary residence.
- Parking: If there is an existing driveway, one on-site parking space is required in addition to any required on-site parking space required for principal dwelling (Montgomery County Zoning Ordinance 59.6.2.4B); however, if a new driveway must be constructed for the accessory dwelling unit, then two on-site parking spaces must be provided. If the property is located within 1 mile of any Metrorail, Purple Line, or MARC Rail Station, no on-site parking space is required
- The maximum footprint of an Accessory Dwelling Unit, in combination with other structures on site, is limited by the total lot coverage limit in the underlying zone and the maximum gross floor area of the unit; and unless modified by the use standards for an Accessory Dwelling Unit, an Accessory Dwelling Unit must comply with the setback, height, and building lot coverage standards of an accessory structure in the underlying zone.
- The maximum gross floor area used for an Attached Accessory Dwelling Unit, including any floor area used for an Accessory Dwelling Unit in a cellar must be 1,200 square feet; or if the basement or cellar is used for the Attached Accessory Dwelling Unit, the gross floor area for the Attached Accessory Dwelling Unit may equal the square footage of the basement or cellar.
- The maximum gross floor area for a Detached Accessory Dwelling Unit must be the least of:
 - 1) 50% of the footprint of the principal dwelling;
 - 2) 10% of the lot area; or
 - 3) 1,200 square feet of gross floor area.
- The Accessory Dwelling Unit must be the only additional living unit or residential use on a lot or parcel. No other tenants (includes boarding house, guest room for rent); registered living unit; Air BnB or short-term residential rental use permitted.
- Have the same street address as the main house.

- The Accessory Dwelling Unit may not be occupied by more than two adults (eighteen years or older) and total number of occupants must be in compliance with the square footage requirements under Chapter 26.
- Entrance/Egress: The Accessory Dwelling Unit must have a separate entrance located on the side yard or rear yard. An entrance at the front of the principal dwelling is allowable if it is a single entrance door for both the principal dwelling and the accessory unit or if the entrance existed before May 20, 2013. A separate entrance must lead directly to the outside and cannot be through a garage.
 - The entrance door shall be side-hinged and have a clear width of not less than 32 inches and a clear height of not less than 78 inches. Double-cylinder deadbolt locks are not permitted and must be replaced with a thumb-turned deadbolt.
- Exterior lighting must be provided at the outdoor entrance to the Accessory Dwelling Unit.
- Second floor Accessory Dwelling Units must have a safe unobstructed means of escape leading to open space at ground level; a unit door with exterior stairs leading to ground level with no obstructions.
- Stairs of three or more risers must have a handrail on at least one side. Handrails must have minimum height of 30 inches and a maximum height of not more than 34 inches as measured vertically from the nosing (outside portion of stair treads).
- Porches, balconies, decks or raised floor surfaces located more than 30 inches above the floor or grade below must have guardrails not less than 34 inches in height. Open sides of stairs must have a guardrail installed to prevent passage of an object four or more inches in diameter.
- Permits: Obtain all required permits for renovation and/or new construction, if applicable. Construction, alternation or renovations cannot be started before the preliminary Departmental inspection. Contact Department of Permitting Services for obtaining required permits at 240-777-0311 or Washington Suburban Sanitary Commission at 301-206-4003 for obtaining any required plumbing permits.
- Well/Septic: Properties with well and/or septic must contact Department of Permitting Services (DPS), Well and Septic Office at 240-777-0311 making sure it meets required code for total number of bedrooms allowed at the dwelling unit property.
- Effective January 1, 2015, properties built before January 1, 1978 must comply with the Maryland Department of Environment (MDE) lead poisoning prevention law. The Accessory Dwelling Unit must be registered with MDE and inspected for lead paint by an accredited licensed inspector. A copy of the “passed” lead inspection certificate and copy of the receipt showing registration fees were paid to MDE must be submitted to Licensing and Registration section before a license will be issued. For more information, contact MDE at 800-633-6101 or 410-537-4199.

- **Basement Ceiling Heights:** Accessory Dwelling Units located in finished basements or cellars must have a ceiling height of at least 6'8" except that a beam, girder, duct or other obstruction may project to within 6'4" of the finished floor. Ceilings must also be constructed using at least ½" gypsum board/drywall.
- **Area for Sleeping Purposes:** Every room used for sleeping purposes by one occupant must have at least 70 square feet of floor area and be at least 7 feet in width. Every room used for sleeping purposes by more than one person must contain at least 50 square feet of floor area for each occupant.
- **Egress Windows:** Every sleeping room must have at least one operable outside window or exterior door approved for emergency egress or rescue in accordance with the fire code. A window shall be at least 5 square feet of net clear opening for grade floor or below grade. Above grade windows shall be at least 5'7" square feet of net clear opening. The minimum height of the window opening must be at least 24 inches, the width shall not be less than 20 inches and the opening must achieve the required square footage. A window opening cannot be greater than 44 inches from the sleeping room floor.
- **Window Bars:** Required escape window must not be barred except with breakaway bar systems approved by the Fire Marshall.
- **Kitchen Facilities:** Each unit must be equipped with a kitchen stove 24-inch or wider (top burners and oven) and a standard refrigerator (approximately 36" w x 70"h) plus shelves for dry food storage and adequate counter space for food preparation. There must be a 36-inch passage between counter-top/cabinet front and any appliances to the wall.
- **Kitchen stove/range** must have vertical clearance above the cooking top of at least 30 inches to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of the range hood or appliance.
- **Dwelling Units** shall be separated from each other by wall and floor assemblies having not less than 1-hr-fire-resistance rating. If building is equipped with an automatic sprinkler system a 1/2 hour shall be permitted.
- **Screens:** All operable windows must be screened.
- **Existing walkway** to the Accessory Dwelling Unit must be maintained in good serviceable and safe condition.
- **Outlets Required:** Every habitable room must have an electric service and outlets or fixtures, or both. Every cooking area must be supplied with at least one circuit rated for at least 20 ampere service capacity. Each individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit that terminates in a single receptacle. Outlets in bathrooms must be protected with GFI's.

- Fuel burning warm air furnaces and water heaters must not be installed in a storage closet or under a stairway. Furnaces located in a bedroom or bathroom must not be installed in a sealed enclosure such that combustion air will not be taken from the living space (bedroom). Direct vent furnaces (in a bedroom) are not required to be installed within an enclosure.
- Basement stairwells must be at least 36 inches wide if used for an exit path. No furnace may be located under an exit stair.
- Smoke detectors: At least one (1) smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other-use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section. At least one (1) smoke detector shall be installed in or near each stairway leading to an occupied area.
- Maryland Smoke Alarm Law: Maryland's new law requires the replacement of any battery-only smoke alarms with new smoke alarms powered by 10-year, long-life, sealed-in batteries. Hard-wired smoke alarms must remain hard-wired.
- Carbon monoxide alarm or detector: The owner of a dwelling unit containing a fuel burning appliance or attached garage must install carbon monoxide detection and warning equipment. Carbon monoxide alarms or detectors must be installed as follows:

Outside of each separate dwelling unit sleeping area and in the immediate vicinity of the bedrooms; and on every occupiable level of a dwelling unit, including basements, excluding attics and crawl spaces. A carbon monoxide alarm or detector must be located on the wall, ceiling, or other location as specified in the manufacturer's published instructions that accompany the unit; and be installed and maintained under NFPA 720.

For more information regarding Class 3 Accessory Dwelling Unit process, contact Clifton Bouma, Program Specialist II, Licensing and Registration Unit at 240-777-0311

https://mcgov.sharepoint.com/teams/DHCA/Finance/Licensing/Shared Documents/Class 3 AA/Laws, Statistics, & Miscellaneous/Miscellaneous/FY20_Class3_ADU_Info1-13-20.docx